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Docket 84604AAJA
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Ronald S. Cok

Lighting Apparatus With Flexible OLED Area Illumination Light Source And Fixture

Serial No. 10/776,742

Filed 11 February 2004

Group Art Unit: 2879

Examiner: Dalei Dong

I hereby certify that this correspondence was sent by facsimile transmission to the United States Patent and Trademark Office on the date set forth below.

Valerie J. Richardson

November 30, 2006

Date

Mail Stop APPEAL BRIEF-PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPEAL BRIEF TRANSMITTAL

Enclosed herewith is Appellants' Appeal Brief for the above-identified application.

The Assistant Commissioner is hereby authorized to charge the Appeal Brief filing fee to Deposit Account 05-0225. A duplicate copy of this letter is enclosed.

Respectfully submitted,

Attorney for Appellants
Registration No. 33,564

Andrew J. Anderson/vjr
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Facsimile: (585) 477-1148

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Sir:

APPEAL BRIEF PURSUANT TO 37 C.F.R. 1.192

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the final rejection of claims 1-34 in the Office action mailed June 15, 2006.

A timely Notice of Appeal was mailed September 15, 2006. A Notice of Panel Decision from Pre-Appeal Brief Review was mailed October 31, 2006, setting a one-month time period for filing of an appeal brief.

Respectfully submitted,

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Registration No. 33,564

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Table Of Contents

Real Party In Interest

The Eastman Kodak Company is the assignee and real party in interest.

Related Appeals And Interferences

No appeals or interferences are known which will directly affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

Status Of The Claims

Claims 1-34 are pending in the application.

Claims 1-34 stand rejected under 35 USC § 103(a).

Claims 1-34 are being appealed.

Appendix I provides a clean, double spaced copy of the claims on appeal.

Status Of Amendments

No amendment has been filed after the Final Rejection dated June 15, 2006.

Summary Of Claimed Subject Matter

Independent claim 1 is directed towards a method for providing a replaceable area illumination (page 1, lines 24-25; page 3, lines 11-12; page 4, lines 4-5; page 6, line 6) light source comprising the steps of: a) manufacturing (100) an area illumination light source (10) on a flexible substrate (20) in a substantially two-dimensional configuration (e.g., Figs. 2, 7, 8); b) shipping (102) the light source (10) in the two-dimensional configuration; and c) flexing (104) and removably placing (106) (page 7, lines 9-11; page 9, lines 8-12) the light source in a curved three dimensional configuration (e.g., Figs. 3-6, 9-13) within a lighting fixture (34) (page 6, lines 19-22; page 9, lines 8-12).

Independent claim 17 is directed towards a method for providing a replaceable area illumination (page 1, lines 24-25; page 3, lines 11-12; page 4, lines 4-5; page 6, line 6) light source comprising the steps of: a) manufacturing a plurality of area illumination light sources (10) on one or more flexible substrates (20) in substantially two-dimensional configurations; b) forming a sequentially attached plurality of the light sources into a cylindrical roll (70) (Fig. 18); c) shipping the roll of light sources; d) detaching one or more of the light sources from the roll (page 11, lines 18-23); and e) flexing and removably placing the detached light source in a curved three dimensional configuration within a lighting fixture (34).

Independent claim 26 is directed towards a method for providing a replaceable area illumination (page 1, lines 24-25; page 3, lines 11-12; page 4, lines 4-5; page 6, line 6) light source comprising the steps of: a) manufacturing a plurality of area illumination light sources (10) on one or more flexible substrates (20) in substantially two-dimensional configurations; b) forming a sequentially attached plurality of the light sources into an accordion-folded stack (80) (Fig. 20); c) shipping the light sources in the stack; d) detaching one or more of the light sources from the stack (page 12, lines 3-8); and e) flexing and removably placing the detached light source in a curved three dimensional configuration within a lighting fixture (34).

Grounds Of Rejection To Be Reviewed On Appeal

The following issues are presented for review by the Board of Patent Appeals and Interferences:

1. Claims 1-5, 7-16, 26-30 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,652,930 to Teremy in view of U.S, Patent No. 4,834,495 to Whitehead.

2. Claims 6 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,652,930 to Teremy in view of U.S. Patent No. 4,834,495 to Whitehead and in further view of U.S. Patent No. 4,672,554 to Ogaki.

3. Claims 17-21 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 5,652,930 to Teremy in view of U. S. Patent No. 6,295,818 to Ansley.

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,652,930 to Teremy in view of U.S. Patent No. 6,295,818 to Ansley and in further view of U.S. Patent No. 4,672,554 to Ogaki.

Arguments

Obviousness Rejection of Claims 1-5, 7-16, 26-30 and 32-34 over Teremy in view of Whitehead

With respect to all rejected claims, this rejection represents clear error, as it is based on the unsupported assertion that Teremy discloses in Figures 10 and 11, and col. 7, lines 1-30, a method for providing a replaceable area illumination light source, including a step of flexing and removably placing the light source in a curved three-dimensional configuration within a light fixture.

Rather than disclose manufacture of a flexible and replaceable area illumination light source, Figures 10 and 11 and column 7, lines 1-30 of Teremy disclose manufacture of a curved information display by patterning electroluminescent materials on a flexible support, and then applying the flexible support to a rigid support such as a camera casing. Alternatively, Teremy discloses manufacture of the information display by directly applying the patterned electroluminescent materials to a rigid layer formed to define the shape of a camera casing. While the rejection is believed to be in clear error as the present claimed invention is clearly directed towards a method of providing a distinct product than that of Teremy (i.e., providing flexible replaceable area illumination light sources, such as described at page 1, lines 24-25; page 3, lines 11-12; page 4, lines 4-5; page 6, line 6; etc. of the specification, rather than a camera information display), formation of the information displays of Teremy which are applied to rigid supports is in any event clearly distinguished from the present invention. As a practicality, area illumination light sources are intended to be removably placed in lighting fixtures by end users (such as by replacing conventional light bulbs in a lamp socket), while application of an information display to a camera body would occur during manufacture of the camera. The step of "applying" the flexible support to a rigid support in the manufacture of a camera display as taught by Teremy is a permanent application, not a removable placement within a light fixture. Note specifically that electrical connections to the

electroluminescent patterns of the displays of Teremy are formed only after the flexible support is applied to the rigid support (col. 7, lines 9-13). A teaching with respect to applying a flexible display to a camera casing is accordingly clearly not a teaching of removably placing a flexed light source in a light fixture within the context of the present invention. There is accordingly no support for the Examiner's statement that Teremy discloses a replaceable area illumination light source, which is flexed and removably placed in a curved three-dimensional configuration within a light fixture.

The Examiner's further reliance upon Whitehead et al. clearly does not overcome the deficiencies of the primary reference, as Whitehead is directed towards a distinct product relative to that of Teremy (i.e., a collapsible light pipe, rather than a camera display). There would be no motivation to combine such teachings, as application of an information display to a camera body would occur during manufacture of the camera. There is accordingly no support for the Examiner's further statement with respect to claim 1 that it would have been obvious to ship the light sources of Teremy in a two-dimensional configuration (i.e., not applied to the three-dimensional camera body). Finally, even if the patterned electroluminescent elements of Teremy formed on a flexible support were shipped in a two-dimensional configuration prior to being applied to a rigid camera body as part of an intermediate manufacturing step, the present invention in any event still would not be obtained, as the electroluminescent display elements of Teremy are not area illumination light sources, and as there is still no teaching to flex and removably place such element in a curved three-dimensional configuration within a light fixture. Accordingly, a prima facie case of obviousness has clearly not been made, and review and reversal of this rejection is respectfully requested.

Additionally regarding claim 26, there is further no support for the Examiner's contention that "it would have been obvious to one having ordinary skill in the art at the time the invention was made to have ship the light source of Teremy, sequentially attached in a accordion configuration of Whitehead in order to save space and cost during the transfer of the light source." Such rejection represents further clear error, as neither Teremy or Whitehead disclose formation of distinct elements which are sequentially attached and subsequently detached for individual use. While the light pipes of Whitehead may be folded for shipment, the folded portions thereof

are not subsequently detached for individual use. The Examiner's contention that it is "old and well known in the art to ship the plurality of product sequentially attached in a different configuration and detach one or more of the product after shipping" is not in any way suggested by any cited analogous prior art.

Obviousness Rejection of Claims 6 and 31 over Teremy in view of Whitehead and Ogaki

Such rejection represents further clear error, as it is again based on the unsupported assertion that Teremy discloses in Figures 10 and 11, a method for providing a replaceable area illumination light source, including a step of flexing and removably placing the light source in a curved three-dimensional configuration within a light fixture, which assertion is clearly unsupported for the reasons discussed above, and as further reliance upon Ogaki does not overcome the deficiencies of the primary references. Further, as Ogaki is directed towards a software vending instrument, there would in any event be no motivation to combine such teachings, as vending of software products does not in anyway relate to the manufacture or sale of display devices such as taught by Teremy. Further, as the light sources of Teremy are applied to a rigid substrate during manufacture of a camera, there would appear to be no motivation to vend such light sources in a vending machine. There is further no support for the Examiner's contention that vending of light sources from a vending machine, which is practically enabled in accordance with the present invention, is in any way suggested by any analogous prior art.

Obviousness Rejection of Claims 17-21 and 23-25 over Teremy in view of Ansley

With respect to all rejected claims, this rejection represents clear error, as it is again based on the unsupported assertion that Teremy discloses in Figures 10 and 11, a method for providing a replaceable area illumination light source, including a step of flexing and removably placing the light source in a curved three-dimensional configuration within a light fixture, which assertion is clearly unsupported for the reasons discussed above, and as further reliance upon Ansley does not overcome the deficiencies of the primary reference.

The Examiner's further reliance upon Ansley clearly does not overcome the deficiencies of the primary reference, as Ansley is directed towards a distinct product relative to that of Teremy (i.e., a PV-thermal solar power assembly, rather than a camera display). Further, there would be no motivation to combine such teachings, as application of an information display to a camera body would occur during manufacture of the camera, and there is accordingly no support for the Examiner's further statement with respect to claim 17 that it would have been obvious to ship the light sources of Teremy in a sequentially attached cylindrical configuration of Ansley (i.e., not applied to the three-dimensional camera body). Finally, even if the patterned electroluminescent elements of Teremy formed on a flexible support were shipped in such a configuration prior to being applied to a rigid camera body as part of an intermediate manufacturing step, the present invention in any event still would not be obtained, as the electroluminescent display elements of Teremy are not area illumination light sources within the context of the present disclosed and claimed invention, and as there is still no teaching to flex and removably place such element in a curved three-dimensional configuration within a light fixture. Accordingly, the present invention represents clear error, as a prima facie case of obviousness has clearly not been established, and review and reversal thereof is respectfully requested.

Obviousness Rejection of Claim 22 over Teremy in view of Ansley and Ogaki

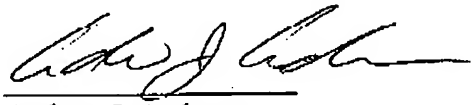
Such rejection represents further clear error, as it is again based on the unsupported assertion that Teremy discloses in Figures 10 and 11, a method for providing a replaceable area illumination light source, including a step of flexing and removably placing the light source in a curved three-dimensional configuration within a light fixture, which assertion is clearly unsupported for the reasons discussed above, and as further reliance upon Ogaki does not overcome the deficiencies of the primary references. Further, as Ogaki is directed towards a software vending instrument, there would in any event be no motivation to combine such teachings, as vending of software products does not in anyway relate to the manufacture or sale of display devices such as taught by Teremy. Further, as the light sources of Teremy are applied to a rigid substrate during manufacture of a camera, there would appear to be no motivation to vend such light sources in a vending machine. There is further no

support for the Examiner's contention that vending of light sources from a vending machine, which is practically enabled in accordance with the present invention, is in any way suggested by any analogous prior art.

Conclusion

For the above reasons, Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the rejection by the Examiner and mandate the allowance of Claims 1-34.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

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Appendix I - Claims on Appeal

1. A method for providing a replaceable area illumination light source comprising the steps of:

a) manufacturing an area illumination light source on a flexible substrate in a substantially two-dimensional configuration;

b) shipping the light source in the two-dimensional configuration; and

c) flexing and removably placing the light source in a curved three dimensional configuration within a lighting fixture.

2. The method claimed in claim 1 further including the step of packing the light source in a flat package.

3. The method claimed in claim 2 wherein the package contains a plurality of light sources.

4. The method claimed in claim 3 wherein a portion of the plurality of light sources may be removed from the package.

5. The method claimed in claim 2 wherein the light source may be removed from the package and mounted in the lighting fixture by holding and manipulating the light source by the edges of the light source.

6. The method claimed in claim 1 further comprising the step of vending the light source in a flat package from a vending machine.

7. The method claimed in claim 1 further comprising the step of vending the light source in a flat package through the mail.

8. The method claimed in claim 1 further comprising the step of vending the light source in a flat package with the lighting fixture.

9. The method claimed in claim 1 further comprising the step of vending a plurality of light sources in a flat configuration within a dispenser adapted to dispense one light source at a time.

10. The method claimed in claim 1 further comprising the step of placing advertising on a non-emissive portion of the light source.

11. The method claimed in claim 1 further comprising the step of providing a light source at no cost to a customer to induce sales of a lighting fixture.

12. The method claimed in claim 1 further comprising the step of providing a lighting fixture at no cost to a customer to induce sales of a light sources.

13. The method claimed in claim 1 further comprising the step of providing means for testing a light source while the light source is in a package.

14. The method claimed in claim 1 further comprising the step of receiving a deposit from a customer for a light source and returning the deposit to the customer upon a return of the light source.

15. The method claimed in claim 1 further comprising the step of receiving a deposit from a customer for a light source and returning the deposit to the customer upon the purchase of a second light source.

16. The method claimed in claim 1 further comprising the step of vending a plurality of light sources each in a flat package depending from a common support.

17. A method for providing a replaceable area illumination light source comprising the steps of:

a) manufacturing a plurality of area illumination light sources on one or more flexible substrates in substantially two-dimensional configurations;

b) forming a sequentially attached plurality of the light sources into a cylindrical roll;

c) shipping the roll of light sources;

d) detaching one or more of the light sources from the roll; and

e) flexing and removably placing the detached light source in a curved three dimensional configuration within a lighting fixture.

18. The method claimed in claim 17 further comprising the step of providing a plurality of light sources packaged in a roll and electrically connected in

parallel and means to detach and provide power to groups of individual light sources electrically connected in parallel.

19. The method claimed in claim 17 further comprising the step of providing a plurality of light sources packaged in a roll and electrically connected in series and means to detach and provide power to groups of individual light sources electrically connected in series.

20. The method claimed in claim 17, wherein the sequential attachment is provided by a common flexible substrate.

21. The method claimed in claim 17, wherein the sequential attachment is provided by a common backing layer to which the light sources are attached.

22. The method claimed in claim 17 further comprising the step of vending the light sources from a vending machine.

23. The method claimed in claim 17 further comprising the step of vending the light sources through the mail.

24. The method claimed in claim 17 further comprising the step of vending the light sources with the lighting fixture.

25. The method claimed in claim 17 further comprising the step of vending a plurality of light sources from a dispenser adapted to dispense one light source at a time.

26. A method for providing a replaceable area illumination light source comprising the steps of:

a) manufacturing a plurality of area illumination light sources on one or more flexible substrates in substantially two-dimensional configurations;

b) forming a sequentially attached plurality of the light sources into an accordion-folded stack;

c) shipping the light sources in the stack;

d) detaching one or more of the light sources from the stack; and

e) flexing and removably placing the detached light source in a curved three dimensional configuration within a lighting fixture.

27. The method claimed in claim 26 further comprising the step of providing a plurality of light sources packaged in a stack and electrically connected in parallel and means to detach and provide power to groups of individual light sources electrically connected in parallel.

28. The method claimed in claim 26 further comprising the step of providing a plurality of light sources packaged in a stack and electrically connected in series and means to detach and provide power to groups of individual light sources electrically connected in series.

29. The method claimed in claim 26, wherein the sequential attachment is provided by a common flexible substrate.

30. The method claimed in claim 26, wherein the sequential attachment is provided by a common backing layer to which the light sources are attached.

31. The method claimed in claim 26, further comprising the step of vending the light sources from a vending machine.

32. The method claimed in claim 26 further comprising the step of vending the light sources through the mail.

33. The method claimed in claim 26 further comprising the step of vending the light sources with the lighting fixture.

34. The method claimed in claim 26 further comprising the step of vending a plurality of light sources from a dispenser adapted to dispense one light source at a time.

Appendix II - Evidence

NONE

Appendix III – Related Proceedings

NONE